

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants: Stephen R. Lawrence, Niniane Wang, and David Marmaros
Application No.: 10/815,074
Filing Date: March 31, 2004
Title: Systems And Methods For Weighting A Search Query Result
Examiner: Robert M. Timblin
Group Art Unit: 2167
Atty. Dkt. No.: 24207-10081

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Dated: June 7, 2010

By: /Jie Zhang/

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REPLY BRIEF

This Reply Brief is filed in accordance with 37 CFR § 41.41 in response to the Examiner's Answer, which was mailed on April 6, 2010.

Argument

The rejections are predicated upon an unreasonable interpretation equating “keyword” with “query.”

Independent claim 1 recites a method for re-ranking the merged results of multiple separately-submitted search queries based on user input. Liu, in contrast, describes conducting image searches using a single query and ranking the results of the query.

To make the argument that Liu’s single query anticipates aspects of claim 1 involving multiple queries, the Examiner argues that “keywords” and “queries” are equivalent. *See, e.g.* Examiner’s Answer, p. 24, ll. 1-11 (“In the rejection, Examiner has equated keywords in Liu to the claimed ‘plurality of queries’ ...”). Thus, according to the Examiner, portions of Liu that disclose use of a keyword also disclose use of a query. However, this interpretation, which underlies the rejections of the claims, is unreasonable and improper.

Claims must be given their broadest reasonable interpretation consistent with the specification. *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005); MPEP § 2111. Moreover, the broadest reasonable interpretation of the claims must be consistent with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359 (Fed. Cir. 1999). *See* MPEP 2111. The Examiner’s interpretation is inconsistent with both Appellants’ Specification and the interpretation that one of ordinary skill would use.

Appellants’ Specification distinguishes between a “query” and a “keyword.” For example, at paragraph 40 the Specification refers to “query terms (e.g. keywords),” thus recognizing that a keyword is a term submitted as part of a query. Similarly, at paragraph 59, the Specification describes how a query system can extract keywords from information and generate a search query for the keywords to be submitted to a search engine. At paragraph 45, the Specification recognizes that a query can have a single keyword and refers to such queries as

“keyword queries.” However, the Specification consistently recognizes that keywords and queries are separate, but related, terms.

Moreover, a person of ordinary skill in the art would interpret the terms in a manner consistent with Appellants’ Specification. An online definition of “keyword” from the same source cited by the Examiner is “a word or phrase that a user believes is relevant to the information he or she is seeking.”¹ Likewise, this source defines a “query” as “the execution of a search on a search engine.”² Both of these definitions align with how the terms are used by Appellants’ Specification.

The Examiner supports the equating of keywords and queries by neglecting the context in which these terms are used. The Examiner mentions that Appellants’ Specification states that a

¹ See <http://www.georgiaseo.net/georgia-search-engine-optimization-glossary-of-seo-terms.html>. The full definition is “A word or phrase that a user believes is relevant to the information he or she is seeking. The user enters keywords into an online search form. The search engine then examines each record in its database to find those documents that match the keywords. A keyword search is a search for documents containing one or more words specified by the user.”

² See <http://www.georgiaseo.net/georgia-search-engine-optimization-glossary-of-seo-terms.html>. The full definition is “The execution of a search on a search engine. The keyword or keyword phrase a searcher enters into a search field, which initiates a search and results in a SERP with organic and paid listings.” The second part of the definition recognizes that people sometimes use “query” to mean the keywords within the query, but only in the sense that the keywords were submitted as part of a search.

query can have a single query. *See, e.g.* Examiner’s Answer, p. 24, ll. 8-11. However, the Specification consistently draws a distinction between these terms and does not support the Examiner’s arguments. The Examiner also cites to a definition of “query” to support the contention that a query can have one keyword, but neglects the portion of the definition that contradicts the Examiner’s ultimate conclusion that “keywords” and “queries” are one and the same. Even the reference relied upon by the Examiner to support the rejection, Liu, draws a distinction between “query” and “keyword.”³ The fact that a search query can include a single keyword indicates only that the search query is a single-keyword search query, and not that the keyword is equivalent to a search query.

Once the distinctions between “query” and “keyword” are clarified, the defects in the rejection of claim 1 are apparent. For example, claim 1 recites “adjusting a query factor associated with the identified search query responsive to the input signal”. Liu, in contrast, discloses adjusting weights assigned to keyword-image links in a semantic network. *See, e.g.* Liu, col. 3, ll. 50-51, and col. 7, ll. 26-32. Because a weight in Liu is associated with a keyword-image link, the weight is not equivalent to the claimed query factor associated with a search query. Thus, among other differences, Liu does not disclose “adjusting a query factor associated with the identified search query responsive to the input signal” of claim 1.

³ For example, Liu recites “[f]or text queries, the feature and semantic matcher 152 has a semantic matcher 212 to identify images with associated **keywords** that match the **keywords** from the **query**.” See Liu, col. 7, lines 9-11 (emphasis added).

Accordingly, Appellants respectfully submit that a person of ordinary skill in the art would not find one of “a plurality of search queries that were submitted separately” equivalent to a keyword in the Liu reference, and would not find claims 1, 4-12, 15-18, 21, 22, 24, and 25 anticipated by the Liu reference.

Summary

For the foregoing reasons, Appellants believe that the Examiner’s rejections of claims 1-28 were erroneous, and respectfully request that the Board reverse the rejections.

Respectfully submitted,

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